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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,428	08/19/2003	Douglas Marquis	0050.2057-000	4550
21005            7590            10/19/2007 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			EXAMINER DADA, BEEMNET W	
		ART UNIT 2135		PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/643,428	MARQUIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Beemnet W. Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 July 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    - 1) Certified copies of the priority documents have been received.
    - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

1. This office action is in reply to an amendment filed on June 20, 2007. Claims 1, 13 and 25 have been amended. Claims 1-34 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed June 20, 2007 have been fully considered but they are not persuasive. Applicant argues that the art on record (Moore) fails to teach generating an acknowledgement trigger signal in response to the high-end acknowledgement and further fails to teach generating a low-end acknowledgement in response to the acknowledgment trigger signal. Examiner disagrees.
3. Examiner would point out that Moore teaches generating an acknowledgment trigger signal in response to the high end acknowledgment (i.e., NP generating an acknowledgment delay based on the current value of moving average, note that the value of moving average is based on acknowledgment received from the High Wrapper)[page 6, steps 2-4], and generating a low end acknowledgment according to the communication protocol in response to the acknowledgment trigger signal (i.e., NP transmitting an acknowledgment to the Low Wrapper) [page 2, step 2]. Examiner would further point out that Moore reads on the claim limitations and therefore, the rejection is respectfully maintained.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore "Network Pump(NP) Security Target", May 29, 2000 (hereinafter Moore).
6. As per claim 1, 13, 25 and 26-34, Moore teaches a method of communicating data from a low security assurance source to a high security assurance destination (see section page 1, section 1.2 and page 3, chapter 2) comprising:
  - receiving data from a low security assurance source according to a communication protocol and transferring the data to a high security assurance destination according to the communication protocol (i.e., NP receiving data from Low Wrapper and transferring the data to high Wrapper) [page 6, steps 2 and 3];
  - receiving a high end acknowledgment according to the communication protocol from the high security assurance destination (i.e., NP receiving acknowledgment from High Wrapper) [page 6, step 4];
  - generating an acknowledgment trigger signal in response to the high end acknowledgment (i.e., NP generating an acknowledgment delay based on the current value of moving average, note that the value of moving average is based on acknowledgment received from the High Wrapper)[page 6, steps 2-4]; and
  - generating a low end acknowledgment according to the communication protocol in response to the acknowledgment trigger signal (i.e., NP transmitting an acknowledgment to the Low Wrapper) [page 6, steps 2-4].
7. As per claims 2 and 14, Moore further teaches the method further comprising:
  - determining whether to generate an acknowledgment trigger signal [page 6, step 2].

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8. As per claims 3 and 15, Moore further teaches the method wherein determining whether to generate the acknowledgment trigger signal comprises: determining whether the high end acknowledgment includes information data and generating no acknowledgment trigger signal if information data is included in the high end acknowledgment [page 6, step 2 and pages 38-39].
9. As per claims 4 and 16, Moore further teaches the method wherein determining whether to generate the acknowledgment trigger signal comprises: determining whether the low security assurance source is authorized to receive acknowledgments, and generating no acknowledgment trigger signal if the low security assurance source is not authorized [page 6, step 2 and pages 38-39].
10. As per claims 5 and 17, Moore further teaches the method further comprising: delaying the acknowledgment trigger signal in order to delay generation of the low end acknowledgment [page 6, step 2].
11. As per claims 6, 7, 18 and 19, Moore further teaches the method wherein the acknowledgment trigger signal includes header data for generating the low end acknowledgment [page 6, steps 2-4].
12. As per claims 8-12 and 20-24, Moore further teaches the method wherein the acknowledgment trigger signal is an binary enable signal and tracking a sequence of plural data transmission units transferred to the high security assurance destination and generating the acknowledgment trigger signal if the received high end acknowledgment corresponds to a next

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unacknowledged data transmission unit in the tracked sequence [page 6, steps 2-4, 7 and page 7, Message and Acknowledgment Ordering section].

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

October 13, 2007



KIM VU  
SUPERVISORY PATENT EXAMINER  
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